

## **REMARKS**

### **Telephone conference**

Applicants thank the Examiner for the many courtesies extended during the telephone conference held with Attorney Alex Krayner, and the undersigned, Attorney Robert Popa, on January 30, 2006.

## **REAL PARTY IN INTEREST**

The real party in interest to the present application is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC

## **RELATED APPEALS AND INTERFERENCES**

Applicants submit that there are no other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Examiner's decision in the pending response.

## **STATUS OF CLAIMS**

Claims 1-18 and 24-32 are currently pending. Claims 6, 13, 15, 29 and 32 are allowable if rewritten in independent form and Claims 19-23 have been canceled without prejudice. Claims 1-5, 7-12, 14, 16-18, 24-28 and 30-31 are the subject of this Response.

## **STATUS OF AMENDMENTS**

No Amendments are being entered.

## SUMMARY OF CLAIMED SUBJECT MATTER

The invention described and claimed in the present application relates to the provision and use of location data concerning mobile entities (p. 1, ll. 5-6).

According to the present invention, location-based services may be provided to a mobile entity 20 (p. 4, ll. 9-29, Claim 31). In order to provide location-based services, location data is provided to a recipient 20, 40 (p. 4, ll. 19-29, Claims 1, 24). Contrary to the prior art, the present invention discloses providing the location data that represents the location of the mobile entity 20, not information about base stations (Claims 1, 24).

## GROUND S OF REJECTION TO BE REVIEWED BY THE EXAMINER

**Issue 1:** Whether Claims 1-5, 7-12, 14, 16-18, 24-28 and 30-31 are patentable under 35 U.S.C. 102(e) in view of Pirila, U.S. Patent No. 6,674,860, (hereinafter "Pirila")?

## ARGUMENT

**Issue 1: Whether Claims 1-5, 7-12, 14, 16-18, 24-28 and 30-31 are patentable under 35 U.S.C. 102(e) in view of Pirila, U.S. Patent No. 6,674,860, (hereinafter "Pirila")?**

In the non-final Office Action of November 1, 2005, the Examiner rejects Claims 1-5, 7-12, 14, 16-18, 24-28 and 30-31 under 35 U.S.C. 102(e) as being anticipated by Pirila. Applicants respectfully disagree with the Examiner's rejection for the following reasons.

### Claim 1

Applicants submit that Pirila does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 1 of the present application:

"location data is provided in encrypted form by a location server to a

recipient" (emphasis added)

The Examiner asserts that the "location data" as recited in Claim 1 is disclosed by Pirila's "location information." See page 3, section 5 of the Official Action.

Although Pirila is concerned with the transfer of encrypted "location information" to a mobile station, the term "location information" as used in Pirila means:

"base station position coordinates, real time difference (RTD) data and other base station related data that are needed to determine the location of a mobile station"

as is explained at column 3, lines 53-56 of Pirila. It is fundamental to the whole concept of Pirila that the location information is information about the base stations and that this location data is encrypted and broadcast to mobile entities. In contrast to Pirila, the "location data," as recited claim 1, "represents the **location of the mobile entity**" (emphasis added).

During the telephone conference held on January 30, 2006 between the Examiner, Alex Krayner and the undersigned Robert Popa, the Examiner stated that although the "location information" disclosed in Pirila contains information about the base stations, the information about the base stations is used to determine location of the mobile station. Hence, in the Examiner's opinion the information that can be used to determine the location of the mobile station discloses "location data that represents the **location of a mobile entity**" (emphasis added) as recited in Claim 1.

Applicants respectfully object to the Examiner's interpretation of the pending claims in light of the cited reference. According to Pirila, the information that represents location of the base station is sent to the mobile station and is used by the mobile station to determine the location of the mobile station. See Abstract of Pirila. It is not clear why the Examiner considers information about the base station to disclose data "that represents the location of the mobile entity" as recited in Claim 1, just because the information

about the base station is going to be used at some point in calculating the location of a mobile entity.

Basically, the “location data” that is “provided ... to a recipient” as recited in Claim 1 is not disclosed by Pirila, because the information provided by Pirila is about the base station, not “mobile station” as recited in Claim 1.

Therefore, Applicants submit that Pirila does not teach, disclose or suggest “location data is provided in encrypted form by a location server to a recipient” as recited in Claim 1. Hence, Claim 1 is patentable over Pirila and should be allowed by the Examiner.

#### Claims 2-18

Claims 2-18, at least based on their dependency on Claim 1, are also patentable over Pirila.

#### Claim 24

Applicants submit that, at least for the reasons stated above for Claim 1, Pirila does not teach, disclose or suggest “location data that represents the location of a mobile entity ... a location server for providing said location data in encrypted form ... and a decryption entity that is not under the control of a user of the recipient” as recited in amended Claim 24. Hence, Claim 24 is patentable over Pirila and should be allowed by the Examiner.

#### Claims 25-30

Claims 25-30, at least based on their dependency on Claim 24, are also patentable over Pirila.

#### Claim 31

Applicants submit that, at least for the reasons stated above for Claim 1, Pirila does not teach, disclose or suggest “location data that represents the location of a mobile entity ... the location data is provided in encrypted form by a location server to the mobile entity”

as recited in Claim 31. Hence, Claim 31 is patentable over Pirila and should be allowed by the Examiner.

Claim 32

Claim 32, at least based on its dependency on Claim 31, is also patentable over Pirila.

\* \* \*

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 1, 2006

(Date of Mailing)

Shannon Tinsley

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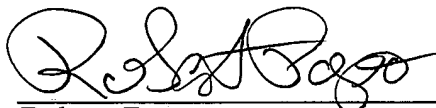


(Signature)

February 1, 2006

(Date)

Respectfully submitted,



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